

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

BEFORE THE
ILLINOIS COMMERCE COMMISSION

AQUA ILLINOIS, INC.) DOCKET NO.
) 11-0436
)
Proposed general increase in water)
and sewer rates. (Tariffs filed)
April 6, 2011))

Springfield, Illinois
Thursday, June 16, 2011

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

MR. LARRY JONES, Administrative Law Judge

APPEARANCES:

MR. JOHN E. ROONEY
ROONEY RIPPKE & RATNASWAMY LLP
350 West Hubbard Street, Suite 430
Chicago, Illinois 60654
Ph. (312) 447-2801

(Appearing via teleconference on
behalf of Aqua Illinois, Inc.)

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710

1		<u>I N D E X</u>			
2					
3	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
4	(None)				
5					
6					
7					
8					
9					
10					
11					
12					
13		<u>EXHIBITS</u>			
14					
15				<u>MARKED</u>	<u>ADMITTED</u>
16	(None)				
17					
18					
19					
20					
21					
22					

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

PROCEEDINGS

JUDGE JONES: I call for hearing Docket Number 11-0436. This is titled in part Aqua Illinois, Inc., proposed general increase in water and sewer rates tariffs file April 6, 2011.

At this time may we have the appearances orally for the record. We will start with the appearance or appearances on behalf of Aqua Illinois, Inc.

MR. ROONEY: Good morning, Your Honor. This is John Rooney, R-O-O-N-E-Y, of the firm Rooney, Rippie and Ratnaswamy, L.L.P. Address is 350 West Hubbard, Suite 430, Chicago, Illinois 60654, appearing on behalf of Aqua Illinois.

JUDGE JONES: Could you give us your business phone number, please?

MR. ROONEY: It's area code (312) 447-2801.

JUDGE JONES: Okay, thank you. Other appearances?

MR. ROONEY: I don't believe there are any other counsel appearances for Aqua, Your Honor.

JUDGE JONES: All right. Thank you. Staff or

1 other parties, other appearances?

2 MS. CARDONI: Appearing on behalf of Staff
3 witnesses for the Illinois Commerce Commission,
4 Jessica Cardoni and Mike Lannon, 160 North LaSalle,
5 Suite C-800, Chicago, Illinois 60601, and my
6 telephone number is (312) 793-3305.

7 MS. HICKS: Appearing on behalf of the Citizens
8 Utility Board, Christie Hicks, 309 West Washington,
9 Suite 800, Chicago, Illinois 60606. Phone is
10 (312) 263-4282.

11 JUDGE JONES: Thank you. Are there any other
12 appearances?

13 (No response.)

14 Let the record show there are not, at
15 least at this time.

16 I would just note briefly, I do not
17 believe that the Staff counsel are on the service
18 list at this point in time. So are you going to be
19 making some sort of filing to cause your name to
20 appear?

21 MS. CARDONI: We will make sure we are on it
22 today. That's strange, but I will make sure we are

1 on it today, Judge.

2 JUDGE JONES: All right. Thank you.

3 MR. ROONEY: Yeah, and, Your Honor, we did
4 receive a Petition to Intervene from CUB two weeks
5 ago. So we have no objection to their participation.

6 JUDGE JONES: Okay, thank you. Yeah, I think
7 there are several individuals from CUB on the service
8 list. I was just noting that it looks like Staff
9 counsel is just not on that service list as yet. So
10 anything that goes out from the Chief Clerk's Office
11 would not necessarily pick them up as service list
12 members in the case. So you can make that filing
13 whenever you wish to. There is no hurry on it from
14 my standpoint. It is just I am pointing that out to
15 you so you know.

16 MS. CARDONI: Thanks, Judge. And I just sent
17 an e-mail to the Clerk, so it should be pretty
18 instantaneous. Thank you.

19 JUDGE JONES: All right. At this time let the
20 record show we will go off the record for a brief
21 discussion regarding scheduling and related
22 considerations.

1 (Whereupon there was then had an
2 off-the-record discussion.)

3 JUDGE JONES: Back on the record. Let the
4 record show there was an off-the-record discussion
5 for the purposes indicated.

6 It is my understanding that there is
7 some scheduling to be put into place this morning
8 that the parties agree to or at least have no
9 objection to. It consists, as expected, of a number
10 of filing dates, followed by some hearing dates, and
11 then some briefing dates.

12 So for starters maybe we can just have
13 somebody read into the record everything that is
14 being proposed up through the reply brief date. We
15 will get that into the record.

16 MS. CARDONI: Judge, this is Jessica Cardoni.
17 I don't mind reading that in, if that's okay.

18 JUDGE JONES: Sure.

19 MS. CARDONI: Okay. The parties have discussed
20 a schedule. We propose and have agreed to Staff and
21 Intervenor direct testimony being filed on August 4,
22 Company rebuttal on September 1, Staff and Intervenor

1 rebuttal testimony on September 29, Company
2 surrebuttal October 11, pretrial motions due by
3 October 18.

4 An evidentiary hearing would be
5 October 24 through 27th, and on the 24th we will
6 commence at 1:00 o'clock with the other days and
7 times to be determined later.

8 Initial briefs will be filed on
9 November 22, and reply briefs and draft Proposed
10 Orders will be filed on December 8.

11 JUDGE JONES: All right. Thank you. Is that
12 scheduling proposal acceptable to the other parties?

13 MR. ROONEY: It is acceptable to Aqua, Your
14 Honor.

15 MS. HICKS: Yes, Your Honor.

16 JUDGE JONES: Thank you. Let the record show
17 that scheduling proposal just read into the record is
18 hereby adopted for purposes of this proceeding.

19 There was also some discussion about
20 the scheduling to occur after that. I don't know
21 whether the parties want any of that read into the
22 record or not. In terms of what will actually be

1 proposed for today's purposes, that will be the
2 scheduling elements that were just read into the
3 record.

4 I would just note in addition to that
5 that the BOE and RBOE window that the parties will be
6 entitled to will consist of at least 18 days, and
7 that would be the minimum. And that would be
8 increased to 21 days, if possible.

9 Was there anything else with respect
10 to the schedule that the parties wanted to note for
11 the record?

12 MR. ROONEY: Nothing on scheduling, Your Honor.

13 JUDGE JONES: Okay, thank you. Before we
14 conclude this prehearing conference, let me make sure
15 there is nothing else the parties wish to take up
16 today.

17 Is there anything else at this
18 prehearing conference that the parties want to take
19 up before we conclude the prehearing conference and
20 continue the matter pursuant to the schedule?

21 MS. CARDONI: Judge, this is Jessica Cardoni
22 for Staff. I would just like to point out that the

1 parties have been doing quite a bit of discovery so
2 far. And despite the administrative rules we have
3 kind of been working out an arrangement where the
4 Company has agreed to provide answers using their
5 best efforts, so less than the 30 day time period,
6 and so far that's been very successful for us. And
7 the Company has agreed and that has happened so far.

8 JUDGE JONES: Okay.

9 MR. ROONEY: Right, Judge. And just to follow
10 up on that, we are willing to continue our best
11 efforts to respond in a more brief period of time to
12 address either Staff or CUB DRs.

13 JUDGE JONES: Okay. Thank you.

14 MR. ROONEY: We do -- Judge, Aqua does have one
15 other observation to make, and that is -- or to
16 inform you and the parties, is that at the time we
17 filed testimony, one of the pieces of testimony we
18 filed was that of Tom Bruns who is one of the
19 division managers that submitted testimony. And
20 Mr. Bruns is not going to be presenting that
21 testimony, but instead it is going to be adopted by
22 Robert Irvin.

1 And so I don't know if you would like
2 us to refile that testimony with his name on there or
3 if you would just like us to note that in rebuttal
4 testimony, noting that Mr. Irvin will be adopting the
5 direct testimony of Mr. Bruns.

6 JUDGE JONES: Okay. Thank you for noting that.
7 Do the other parties have any preference there as to
8 how that is handled?

9 MS. CARDONI: Staff has no preference. The
10 Company's proposal is fine.

11 MS. HICKS: Cub doesn't have a preference as
12 well.

13 JUDGE JONES: Mr. Rooney, you can just proceed
14 in whatever manner you had in mind, and if there
15 needs to be some further filing made to further
16 address that, then that can be done at a later time.

17 MR. ROONEY: Thank you.

18 JUDGE JONES: Okay. Were there any other
19 matters then the parties wish to take up today before
20 this prehearing conference is concluded?

21 MS. HICKS: Nothing further from CUB, Your
22 Honor.

1 JUDGE JONES: Thank you. Let the record show
2 there are not. Our thanks to Mr. Rooney's office for
3 circulating the call-in number.

4 At this time let the record show
5 today's prehearing conference is over. In accordance
6 with the scheduling proposed and adopted this
7 morning, this matter is continued to an evidentiary
8 hearing date of October 24 commencing at the hour of
9 1:00 p.m.

10 (Whereupon the hearing in this
11 matter was continued until
12 October 24, 2011, at 1:00 p.m.
13 in Springfield, Illinois.)

14
15
16
17
18
19
20
21
22